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Prepared by: Christy Kinard
Assistant County Attorney

Approved by: Brian Kuhn
Shelby County Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SHELBY COUNTY CHARTER BY AMENDING SECTIONS 2.03 AND 3.04 RELATIVE TO THE TERM LIMITATIONS OF COUNTY COMMISSIONERS AND THE COUNTY MAYOR. SPONSORED BY COMMISSIONER MIKE CARPENTER.

WHEREAS, the Shelby County Board of Commissioners adopted Ordinance No. 360 and Ordinance NO. 361 on June 2, 2008 proposing amendments to the Shelby County Charter which were published and submitted to the voters of Shelby County during the August 7, 2008 countywide election; and

WHEREAS, Ordinance No. 361 passed, but Ordinance No. 360 failed and, therefore, the Shelby County Board of Commissioners desires to submit a referendum that will provide the voters of Shelby County with the option to increase the term limits of the Shelby County Mayor and members of the Shelby County Board of Commissioners from two consecutive four-year terms to three consecutive four-year terms with the exception of those individuals elected to these offices in 2006; and

WHEREAS, the Shelby County Board of Commissioners has proposed the amendment to the Shelby County Charter contained herein and same should be published and submitted to the voters of Shelby County in accordance with the state election laws during the next countywide election; and

WHEREAS, state law requires the County Attorney prepare a summary not to exceed two hundred (200) words in length when the full statement of the proposed amendments exceeds three hundred (300) words in length.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that, pursuant to Article V, Section 5.05D of the Shelby County Charter, the following proposed amendment to the Shelby County Charter shall be submitted to the qualified voters of Shelby County at the next countywide election allowed by law and the Shelby County Election Commission, in accordance

with the state election laws, is hereby directed to publish the proposed amendment which read as follows:

PROPOSED AMENDMENTS:

The Shelby County Charter shall be amended by amending Sections 2.03 and 3.04, relative to the term limitation of County Commissioners and the County Mayor, to read as follows:

Section 2.03. Membership and election.

- G. No member of the board of county commissioners shall be eligible to be elected to, or hold the office of, county commissioner for more than three consecutive four-year terms; provided, however,
- (i) any individual elected to the office of county commissioner in 2002 and again in 2006 shall not be eligible to be elected to the office of county commissioner in 2010. Such individual may be elected to the office of county commissioner beginning in 2014 or any term thereafter, but shall be limited to two consecutive four-year terms;
 - (ii) any individual elected to the office of county commissioner in 2006 who is not elected to the office of county commissioner in 2010, shall be eligible to be elected to the office of county commissioner in 2014 or any term thereafter, but shall be limited to two consecutive four-year terms; and
 - (iii) any individual elected to the office of county commissioner in 2006 and again in 2010 shall not be eligible to be elected to the office of county commissioner in 2014. Such individual may be elected to the office of county commissioner beginning in 2018 or any term thereafter, but shall be limited to two consecutive four-year terms.
 - (iv) If any individual is elected or appointed to fill an unfilled term for a county commissioner, this term shall not be counted as part of the term limitations set forth herein.

Section 3.04. County mayor – term, qualifications, compensation.

- A. The county mayor shall be elected each four years commencing with the August 1986 general election, and shall take office on September 1 following his election. No individual shall be eligible to be elected to, or hold the office of, county mayor for more than three consecutive four-year terms; provided, however
- (i) any individual elected to the office of county mayor in 2002 and again in 2006 shall not be eligible to be elected to the office of county mayor in 2010. Such individual may be elected to the office of county mayor beginning in 2014 or any term thereafter, but shall be limited to two consecutive four-year terms.
 - (ii) If any individual is elected or appointed to fill an unfilled term for a county mayor, this term shall not be counted as part of the term limitations set forth herein.
- B. The county mayor shall be 18 years of age or older and be a resident of Shelby County at least one year prior to filing for this office at the time of his election and during his term of office.
- C. The county mayor's salary shall be set by the county commission. The salary of the county mayor may be changed from time to time by ordinance of the county commission; provided, however, that no change in salary shall take place during the term for which the county mayor was elected or after January 1 of the year in which the mayor is to be elected.

BE IT FURTHER ORDAINED, that the Shelby County Attorney prepared a summary of the proposed Charter amendments in accordance with state law and is hereby authorized to make any necessary technical amendments to said summary after the adoption of this ordinance.

BE IT FURTHER ORDAINED, that upon receipt of a certified copy of this Ordinance, the Shelby County Election Commission is hereby directed to place the following summary on the ballot at the next countywide election in accordance with the state laws concerning referendum elections:

SUMMARY:

Ordinance No. (#), adopted by the Shelby County Board of Commissioners on August (#), 2008, proposes amendments to the Shelby County Charter to change the two four-year term limitation for the County Commissioners and Mayor to three four-year terms. The fourteen individuals who were elected to the offices of County Commissioner and Mayor in 2006 will still be limited to two consecutive four-year terms. If any individual is elected or appointed to fill an unfilled term for a County Commission or Mayor, that term will not be counted as part of the term limitations applicable to that individual, including the fourteen individuals who were elected in 2006. The amendments become effective September 1, 2010. Shall these amendments be approved?

Yes _____

No _____

BE IT FURTHER ORDAINED, that upon this Ordinance becoming effective, the Clerk of the Shelby County Board of Commissioners shall immediately deliver a certified copy of this Ordinance to the Shelby County Election Commission in accordance with Article V, Section 5.05B of the Shelby County Charter.

BE IT FURTHER ORDAINED, that the proposed Charter amendments shall be deemed ratified and adopted if approved by a majority of those voting in the referendum election.

BE IT FURTHER ORDAINED, that for the purposes set forth in this Ordinance, the proposed amendments to the Shelby County Charter shall take effect on September 1, 2010.

BE IT FURTHER ORDAINED, that, in accordance with state law, the Shelby County Election Commission shall certify the returns of the referendum election to the Shelby County Clerk and the Secretary of State together with a copy of the proposed Charter amendments previously filed with the Shelby County Election Commission by the Shelby County Board of Commissioners.

BE IT FURTHER ORDAINED, that upon receipt of the proclamation from the Secretary of State showing the results of such referendum election on the adoption or rejection of the proposed Charter amendments, the Shelby County Election Commission shall (1) attach one copy of the proclamation to the copy of the proposed Charter amendments theretofore certified to the Secretary of State and (2) deliver one copy of the proclamation to the Shelby County Clerk

who shall attach the same to the copy of the referendum returns and proposed Charter amendments theretofore certified to, and deposited with, the Shelby County Clerk; the Shelby County Clerk subsequently delivering the proclamation and all attachments thereto to the Clerk of the Shelby County Board of Commissioners who shall make it a part of the minutes.

BE IT FURTHER ORDAINED, that all laws constituting the present Shelby County Charter that are not in conflict with the Charter amendments proposed herein be and the same are hereby continued in full force and effect, and all laws in conflict therewith be and the same are hereby repealed.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent of the Shelby County Board of Commissioners to have passed the remainder of this Ordinance notwithstanding the part so held unconstitutional and void, if any.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon adoption pursuant to Article V, Section 5.05B of the Charter of Shelby County.

Chairman of County Commission

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

FIRST READING: _____

SECOND READING: _____

ADOPTED THIRD READING: _____